

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT RANDAZZO,

Plaintiff,

-against-

9:04-CV-669
(LEK/RFT)

GLENN S. GOORD, Commissioner,
DONALD SELSKY, Director,
Special Housing Unit, and
MR. BULLIS, Hearing Officer,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 21, 2006, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 17).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.¹

¹ The Court notes that the following citations are incorrect: Viglucci Affirm., Ex. C, Hr'g Tr. at pp. 8-13, should be at pp. **14-18**, see Report-Rec. (Dkt. No. 17) at 3; and Defs.' Mem. of Law at p. 4, should be at p. **5**, see Report-Rec. (Dkt. No. 17) at 7. However, upon review these errors do not have a material impact upon the Report-Rec.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 17) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

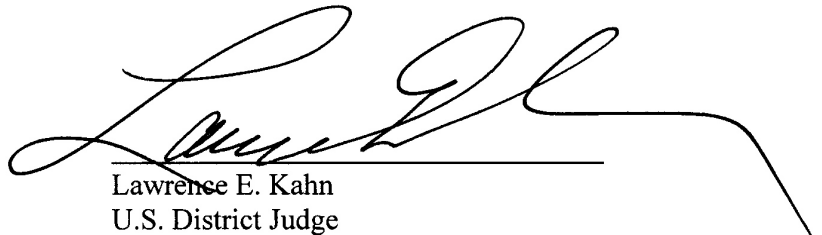
ORDERED, that the Motion for Summary Judgment (Dkt. No. 15) is **GRANTED** and the claims against Defendants Goord and Selsky are **DISMISSED**; and it is further

ORDERED that the Amended Complaint is **DISMISSED** as to Defendant Bullis in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii) as failing to state any cognizable claim; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 28, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge